

ADDENDUM - INITIAL STATEMENT OF REASONS

Commission Regulation 1005 Minimum Standards for Training

The Commission on Peace Officer Standards and Training (POST) proposes to amend Regulation 1005 to address the following changes:

- Adopt the Specialized Investigators' Basic Course Waiver form POST 2-353.
- Designate Basic Course Waiver form POST 2-267 specifically for Regular Basic Course Waiver applicants.

Currently the same form, POST 2-267, is used to meet the waiver requirements for individuals desiring to use out-of-state training and experience to meet the California basic training requirements. Individuals can apply for either the Regular Basic Course Waiver (RBCW) or the Specialized Investigators' Basic Course Waiver (SIBCW); however, the requirements outlined on the current form are only applicable to the Regular Basic Course (RBC) applicants. To correct this oversight, staff proposed the adoption of the SIBCW Application, POST 2-353, which outlines the requirements specific to investigative applicants. The Commission approved the proposed revisions at the February 24, 2021 Commission meeting, subject to the Notice of Proposed Regulatory Action process.

Additional Justification – Regular Basic Course Waiver Form

On Page 1, Page 3, and Page 5, “receipt of” was added in front of the wording “electronic payment” to clarify what type of documentation is required to be enclosed with the application. Since a person cannot enclose an electronic payment with the application, a receipt of the electronic payment can be included with the application and show proof the evaluation fee has been paid.

On Page 5, the wording “Electronic payment can be completed on the POST website, <https://post.ca.gov/basic-course-waiver-process>” was added so applicants know exactly where to complete the electronic payment. POST now accepts electronic payments for other programs on different web pages, this language will eliminate confusion as to which electronic payment page to use. It has been confusing for some applicants to locate the correct page and revising the form will clarify which payment page to use.

There were minor non-substantive changes made to the document to properly illustrate strike out and underline on the existing form.

Additional Justification – Specialized Investigators' Basic Course Waiver Form

On Page 1, Page 3, and Page 5, “receipt of” was added in front of the wording “electronic payment” to clarify what type of documentation is required to be enclosed with the application. Since a person cannot enclose an electronic payment with the application, a receipt of the electronic payment can be included with the application and show proof the evaluation fee has been paid.

On Page 5, the wording “Electronic payment can be completed on the POST website, <https://post.ca.gov/basic-course-waiver-process>” was added so applicants know exactly where to complete the electronic payment. POST now accepts electronic payments for other programs on different web pages, this language will eliminate confusion as to which electronic payment page to use. It has been confusing for some applicants to locate the correct page and revising the form will clarify which payment page to use.

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On Page 2, under Step 1, item (a), “the 200 hours minimum” was included on the form due to Regulation 1005(C)(b) item “iv” allowing for one-year of out-of-state investigative or general law enforcement experience.

On Page 5, under the box for Specialized Law Enforcement Department Defined, the wording was revised in the definition to align with the definition in Regulation 1001.

On Page 9, the Specialized Investigators’ Basic Course (SIBC) Self-Assessment Training Worksheet, does not have LD 19 - Vehicle Operations, LD 27 - Missing Persons, and only six hours for LD 37 - People with Disabilities. The RBC self-assessment training worksheet has two hours of LD 19 - Vehicle Operations, four hours of LD 27 - Missing Persons, and fifteen hours for LD 37 - People with Disabilities. This is due to the legislative mandates that require these training topics be conducted only in the Regular Basic Course.

LD 19 - Vehicle Operations, the legislative mandate is derived from Penal Code 13519.8 and requires training for high-speed pursuits. The section states, “As in this section, “law enforcement” includes any officers or employees of a local police or sheriff’s office or of the California Highway Patrol, or of any other law enforcement agency authorized by law to conduct vehicular pursuits.” The two-hour requirement on the SIBC Self-Assessment Training Worksheet is not required for the Specialized Investigators’ Basic Course because high speed pursuit driving is not required in the SIBC but is required in the RBC.

LD 27 - Missing Persons, the legislative mandate is derived from Penal Code 13519.1. The legislative mandated training is for police officers and dispatchers. The section states, “As used in this section, “law enforcement” includes any officers or employees of a local police or sheriff’s office or of the California Highway Patrol.” The course of training for this definition of law enforcement is the RBC. Due to legislative mandate being required in the RBC, missing persons is not taught in the SIBC.

LD 37 - People with Disabilities, the legislative mandate is derived from Penal Code 13515.26. The legislative requirement for “15-hours” of training applies only to the Regular Basic Course.

There were minor non-substantive changes were made to the document to properly illustrate strike out and underline on the existing form.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, Including Small Businesses

The Commission on Peace Officer Standards and Training has made a determination that the amended regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendment will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

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Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

Considerations of Alternatives

The Commission determined that there were no reasonable alternatives to the proposed regulation.

Benefits Anticipated

The specific benefits anticipated by the proposed amendments to the regulations will be to increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no effect in regard to the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

Economic Impact Analysis

Impact of Jobs/New Business:

The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the proposed language creates two separate Basic Course Waiver forms to clarify eligibility and training requirements needed to apply for each waiver. Moreover, the Commission's main function is selection and maintaining training standards for law enforcement has no effect financially on jobs and businesses.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the state of California. These proposed regulations will set standards for consistency across the state.

Benefits of Proposed Regulation:

The proposed amendment of regulation will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.